MT LEGISLATIVE HISTORY

Chapter 112 1969

Bill H _____ S 210 Original bill & hist. ✓ C

H. Committee on Livestock & Range S. Committee on Pub. Lands.

Hearing Date(s)		C	Hearing Date(s)		C
	2-11	C			C
	2-18	C			C
		C			C
Date Out	2-18	C			C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SENATE BILL No. 210

INTRODUCED BY MITCHELL, GRAHAM, COTTON, MOORE, KLINDT, FOLSOM

32-4410

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 32-4410, R.C.M. 1947, TO PROHIBIT LITTERING PRIVATE PROPERTY USED FOR PUBLIC RECREATION AND TO INCREASE THE MAXIMUM FINE FOR LITTERING."

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 32-4410, R.C.M. 1947, is amended to read as follows:

"32-4410. Dumping garbage or other debris or refuse. (1) It shall be unlawful to dump or leave any garbage, dead animal, or other debris or refuse:

(a) In or upon any highway, road, street, or alley of this state.

(b) In or upon any public recreational property, highway, street, or alley under the control of the state of Montana or any political subdivision thereof, or any officer or agent or department thereof.

(c) Within two hundred yards of such public highway, road, street, or alley, or public recreational property.

(d) On privately owned property where hunting, fishing or other recreation is permitted, ~~without the permission of the owner~~

~~or person in possession of such private property~~ *provided this sub section shall not apply to the owner, his agents or those disposing of debris or refuse with the owners consent.*

(2) Any person found guilty of a violation of this section shall be fined in the sum not exceeding ~~twenty-five dollars ($25.00)~~ *one hundred dollars ($100)*, or imprisoned in the county jail for a period not exceeding thirty (30) days, or be punished by both such fine and imprisonment, in the discretion of the court.

(3) The provisions of this section shall be enforced by all highway patrolmen, sheriffs, policemen, and all other enforcement agencies and officers of the state of Montana. In addition, game wardens shall have the right to enforce the provisions of this section ~~in or upon any public recreational property~~ *on public recreational property and on private property where public recreation is permitted.*"

January 28, 1969
on adjournment

Chairman, Senator Harry Mitchell, called to order a regular meeting of the Senate committee on PUBLIC LANDS in room no. 439 on the above date, with a quorum present. Senator Graham was not able to be present and Senators Nees and Siderius were excused.

A committee was appointed by Governor Babcock, the Diversified Lands Committee, which worked on a study from which the bills now in consideration before the Public Lands committee were drawn.

Proponents of the bills under consideration, SENATE BILLS 209, 210 and 211, were: Mr. Mons Teigen, Commissioner of State Lands; Gareth C. Moon, State Forester; Maurice Hickey, MEA Lobbyist, and member of the committee that composed the bills; Mr. John Baucus, representing ranching interests on this committee; Mr. E. Shuey, representing wool growers; Peter Jackson, also representing ranching, Mr. Orville Lewis, State Fish and Game Commissioner, representing Frank Dunkle, and Mr. Ralph Miracle, Montana Stock Growers Association.

SENATE BILL 209 was first taken under advisement and Mr. Lewis stated that House Bill 269 and House Bill 270 would give game wardens the authority to enforce the provisions of Senate Bill 209. It was agreed that Section 9 does not include federal lands. Mr. Moon stated this bill would help protect the private land owner and thus encourage him to allow others to use his lands, as well as state lands, for recreational purposes.

SENATE BILL 210 was reviewed by its author, Senator Mitchell, and Peter Jackson mentioned that the raised fine would help keep people from littering and dumping. Gareth Moon explained that this bill could stand by itself in the area of game wardens being able to enforce it without a companion bill from the House, but the wardens would not be funded without the House bill.

SENATE BILL 211, dealing with the forest service definition of the multiple-use concept of managing lands, was next considered. Mr. Moon stated that under this concept there could be many uses for the same piece of land if it were advisable, and that it would protect the land from misuse. He said that this is the same definition of multiple-use that is used by the United States Forest Service.

Mr. Teigen discussed the state fire control responsibility on state lands that are leased. He felt that money should be appropriated for a state-wide fire plan program, if the most public use of public lands is to be gained.

Mr. Hickey explained that the phrase "beneficiaries of the trust" on page 2 of SB 211 is included to protect the school lands, from a financial aspect.

Mr. Peter Jackson sees more income from state lands if multiple-use is put into full effect.

Chairman Mitchell asked the list of members of the Diversified Lands Committee be read and thanked each member of the committee for serving on it. All witnesses were thanked for appearing before the committee.

SENATE BILL 209 was moved amended in section 2 by Senator Lyon; seconded by Senator Hazelbaker and carried. Senator Lyon moved SENATE BILL 209 DO PASS; seconded by Senator Rosell and carried.

SENATE BILL 210 was amended in Section 1, sub section (d) on a motion by Senator Rosell, seconded by Senator Hazelbaker and carried. Section 2 was omitted on a motion made by Senator Hazelbaker; seconded by Senator Moore and carried. Senator Moore moved that SENATE BILL 210 AS AMENDED, DO PASS; this motion was seconded by Senator Lyon and carried. Further work was to be done on the exact wording of the amendment to sub section (d) by the sub committee of Senators Rosell, Moore and Mitchell.

SENATE BILL 211 DO PASS was moved by Senator Moore with Senator Lyon seconding the motion; motion carried.

There being no further business to come before the committee, Chairman Mitchell declared the meeting adjourned.

Tony B. Mitchell

Chairman MITCHELL

☒ DO PASS AS AMENDED
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

anuary 19, 69

MR.

We, your committee on PUBLIC LANDS

having had under consideration SENATE 210
Bill No

A BILL FOR AN ACT ENTITLED: ' ' ACT TO AMEND SECTION 32- 410, R.C.M. 1947, O PROHIBIT LITTERING PRIVATE PROPERTY USED FOR PUBLIC RECREATION AND TO INCREASE THE MAXIMUM FINE FOR LITTERING.'

SENATE 210
Respectfully report as follows: That Bill No.
be amended as follows:

Amend page 1, ection 1, sub section (d), lines 24 and 25 of the original bill by deleting, following the comma after the word "permitted" and before the word ' ithout', the following. "without the permission of the owner or person in possession of such private property." and nserting in lieu thereof the following: ' rovided his sub section shall not apply to the owner, is agents or those disposing of debris or refuse with the owner's consent."

And amend page 2, Section 2, ine * of the original bill by omitting Section 2 in its entirety:

DO PASS AMENDED,

LIVESTOCK AND RANGES COMMITTEE

41st Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
S.B. No. 150 MOORE, MATHERS, RUGG	Inspection of livestock before removal from county to outside State of Montana.	1-30	2-4-69	Re-referred 2-7 for further consideration	2-4 2-11	Do not concur CONCURR	
S.B. No. 211 Mitchell, et al	Provide for management of the state owned lands under the multiple-use concept.	2-3	2-18-69		2-18	CONCURR	
S.B. No. 210 Mitchell, et al	Prohibit littering private property used for public recreation-increase maximum fine for.	2-3	2-11-69		2-18	CONCURR	
S.B. No. 45 Mitchell, et al	Relating to appropriation of waters for beneficial use	2-2	2-11-69		2-25	BE NOT CONCURRED IN	
SENATE JOINT RESOLUTION NO. 13 Rehberg, et al	Relating to the dairy industry	2-7	2-11-69		2-11	CONCURR	

on the east side of the Continental Divide we are in fine shape. On the western side the waters, in many cases, originate on Federal lands and Indian lands. The Federal Government has ruled that waters originating on Federal lands shall be for Federal use. He feels this bill would cloud the water rights for the future and make it impossible for industry to get any financing to develop a water use as they would be unable to prove their certain right to water use.

Mr. Loendorf presented a hand-written proposed amendment on the back of a copy of the bill, copy is attached. He felt the suggestions in the amendment would help to prevent clouded titles, etc. However, both proponents and opponent were not in favor of this amendment.

Mr D'Ewart read from a law that gave the right of perpetuity to water and he felt this would protect us from losing our water to the Colorado Basin.

Mr. Morrison said 60% of our water flows into the Colorado Basin. The people in Arizona can afford to pay $60 per acre-foot for Montana water while Montana farmers can afford to pay only $2 to $3 per acre-foot.

Senator Mitchell feels H. B. 450 arose because of a misunderstanding of SB 45. The purpose is to cloud the water rights, not of Montana but of the people downstream. In Montana, you don't own water , just own the right to use the water.

SENATE BILL 210: Senator Mitchell, Chief Sponsor, said this legislation would give the private landowner who allows public recreational use of his land protection against littering. The maximum fine for littering would be increased to $100.

CONSIDERATION OF BILLS:

SENATE BILL 150: This bill was re-referred. Mr. Mehrens reported the subcommittee recommends a do pass. Dye moved do pass; motion carried. DO PASS.

HOUSE BILL 372: This bill was re-referred due to a threat by the Bureau of Public Roads to cut off Federal funds. They have notice that a herd of approximately 650 cattle are to be driven on the Interstate today between Belgrade and Bozeman.Mr. Swan moved to amend the bill in accordance with the amendment presented by Chief Right of Way Agent Bob Champion at the hearing; motion carried. DO PASS AS AMENDED.

SENATE JOINT RESOLUTION 13: Mr. Forester moved do pass; motion carried. DO PASS.

Senate Bills 45 and 210 will be held over until the next meeting and considered at that time.

The meeting adjourned at 10:00 a.m.

Carl M. Smith

CARL M. SMITH, CHAIRMAN

FEBRUARY 18, 1969
PROCEEDINGS OF THE
LIVESTOCK AND RANGES COMMITTEE

Chairman Carl M. Smith called the meeting to order at 8:00 a.m. The secretary called the roll, 15 members present, Committeemen Clemow and Aubert were absent.

SENATE BILL 211: Senator Mitchell, Chief Sponsor, spoke on the bill which would provide for multi-purpose use of State lands. This bill is the result of a study made as a result of a Senate Resolution last session. This was part of a package of which several bills have already been killed.

Proponents were Mons Teigen of the State Land Department and John Baucus, a rancher, who served on the committee which made the study. Mr. Teigen said that as long as they place the burden of fire protection upon the lesee, they cannot require him to open his land to public use.

Mr. Melcher moved SENATE BILL 211 be concurred in; motion carried. BE CONCURRED IN.

HOUSE RESOLUTION 8: Carl M. Smith, Chief Sponsor, spoke of the need to revise quotas to protect the local domestic industry at home. It was brought out in committee discussion that this would also be good for the producer of barley and corn since they are so closely allied with the livestock industry. Mr. Gunderson feared the effects would be far reaching and have an adverse effect on the overall world market.

SENATE BILL 210: Mr. Fasbender moved it be concurred in; motion carried. BE CONCURRED IN.

SENATE BILL 45: A subcommittee was appointed with Mr. Swan as Chairman and Marks and Eggebrecht.

HOUSE RESOLUTION 8: Marks moved do pass; motion carried. DO PASS.

The meeting adjourned at 9:10 a.m.

Carl M. Smith
CARL M. SMITH, CHAIRMAN

Marie Haniuk
Marie Haniuk, Secretary

court shall also cause to be filed in said offices a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or canceled when there is filed in the offices where the certificate is *filed*:

(a) A writing in accordance with the provisions of paragraph (1), or (2) or

(b) A certified copy of the order of court in accordance with the provisions of paragraph (4).

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this act."

Approved: February 24, 1969.

CHAPTER 112

An Act to Amend Section 32-4410, R.C.M. 1947, to Prohibit Littering Private Property Used for Public Recreation and to Increase the Maximum Fine for Littering.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 32-4410, R.C.M. 1947, is amended to read as follows:

Dumping garbage or other debris or refuse.

"32-4410. **Dumping garbage or other debris or refuse.** (1) It shall be unlawful to dump or leave any garbage, dead animal, or other debris or refuse:

(a) In or upon any highway, road, street, or alley of this state.

(b) In or upon any public recreational property, highway, street, or alley under the control of the state of Montana or any political subdivision thereof, or any officer or agent or department thereof.

(c) Within two hundred yards of such public highway, road, street, or alley, or public recreational property.

(d) On privately owned property where hunting, fishing or other recreation is permitted, provided this subsection shall not apply to the owner, his agents or those disposing of debris or refuse with the owner's consent.

(2) Any person found guilty of a violation of this section shall be fined in the sum not exceeding *one hundred dollars ($100),* or imprisoned in the county jail for a period not exceeding thirty (30) days, or be punished by both such fine and imprisonment, in the discretion of the court.

(3) The provisions of this section shall be enforced by all highway patrolmen, sheriffs, policemen, and all other enforcement agencies and officers of the state of Montana. In addition, game wardens shall have the right to enforce the provisions of this section *on public recreational property and on private property where public recreation is permitted."*

Approved: February 24, 1969.

CHAPTER 113

An Act Amending Section 81-103, R.C.M. 1947, to Provide for the Management of the State Owned Lands Under the Multiple-Use Concept as Defined Herein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 81-103, R.C.M. 1947, is amended to read as follows: Amending clause.

"81-103. **Powers and duties of state board of land commissioners.** The state board of land commissioners, consisting of the governor, superintendent of public instruction, secretary of state and attorney general, as provided by the constitution, shall be the governing board of the department of state lands and investments; it shall have and exercise general authority, direction and control over the care, management and disposition of all state lands and the funds arising from the leasing, use, sale and disposition of such lands or otherwise coming under its administration. In the exercise of these powers, the guiding rule and principle shall be that these lands and funds are held in trust for the support of education, and for the attainment of other worthy objects helpful to the well-being of the people of this state; and that it is the duty of the board so to administer this trust as to secure the largest measure of legitimate and reasonable advantage Powers and duties of state board of land commissioners.